

DB 91-700

THIS DEED, made and entered into by and between Richard M. Young, party of the first part, and Richard M. Young, trustee of the Young Family Trust, party of the second part.

WITNESS:

That the first party, for and in consideration of the sum of ONE DOLLAR (\$1.00) together with other good and valuable consideration, the receipt of all of which is hereby acknowledged does hereby grant and convey and bargain and sell to the party of the second part, his successors and assigns forever, all of a ONE-FIFTH (1/5) undivided interest in and to all the minerals in, on and under the following described tracts of land, together with all usual and necessary rights to bore for, produce, store, mine and ship said minerals, or either of them, which minerals are situated, lying and being in the County of Martin in the State of Kentucky, and in the County of Mingo in the State of West Virginia, and which several tracts are bounded and described as follows:

TRACT NO. 1

The mineral embraced in the boundary of a patent from the Commonwealth of Kentucky to Mark Dempsey for One Thousand (1000) acres bearing date the 22nd day of June, 1858, and recorded in Book 52, page 185 Auditor's Office at Frankfort, Kentucky, and owned by him at the time of his death.

TRACT NO. 2

The mineral embraced in a deed from John Chapman to M. Dempsey bearing date the 12th day of May, 1853, and recorded in Deed Book "L", page 447, Lawrence County Court Clerk's Office.

TRACT NO. 3

The mineral embraced in a patent from the Commonwealth of Kentucky to Mark Dempsey bearing date the 23rd day of August 1852, and recorded in Book 37, page 35, Auditor's Office, Frankfort, Kentucky.

TRACT NO. 4

The mineral embraced in a patent from Commonwealth of Kentucky to Mark Dempsey bearing date the 3rd day of April, 1854, and recorded in the Auditor's Office, Frankfort, Kentucky, in Book 40, Page 118.



TRACT NO. 5

The mineral embraced in a deed from David James to Mark Dempsey bearing date the 21st day of June 1882 and recorded in Deed Book 2, page 564, Martin County Court Clerk's Office.

TRACT NO. 6

The mineral embraced in a deed from David Aldridge's heirs by Commissioner to Mark Dempsey, bearing date the 17th day of May 1883, and recorded in Deed Book 2, page 529, Martin County Court Clerk's Office.

TRACT NO. 7

The mineral embraced in a deed from David Aldridge to Mark Dempsey bearing date the 21st day of March, 1881, and recorded in Deed Book 3, page 85 Martin County Court Clerk's Office.  
(80)

TRACT NO. 8

The mineral described in a deed from J. D. Powers to Mark Dempsey bearing date the 12th day of February, 1887, and recorded in Deed Book 3, page 293, Martin County Court Clerk's Office.

TRACT NO. 9

Also the mineral in a tract of land on the waters of Big Elk Creek in Martin County, Kentucky, and bounded and described as follows:

"BEGINNING at a chestnut oak on the top of the hill between the Mortarlog fork of Buck Creek and Fox-trap hollow of Big Elks Creek; thence starting and running with the lines of M. Dempsey's 1000 acre survey to the top of the hill between Big Elk Creek and Buck Creek around to a sourwood and chestnut, beginning corner of said 1000 acre survey; thence with M. Dempsey's line of said survey, (reversing the calls of same) to the top of the hill at the head of the Isaac James Branch of Elk Creek; thence leaving the line of the 1000 acre survey and running up the creek with the top of the hill around to line of land deeded to Jane Wiles by M. Dempsey; thence with Jane Wiles line around and continuing so as to include all the land said M. Dempsey owns in said boundary to the beginning. (For courses and distances of same reference is had to the said Thousand acre patent and to the various deeds of portions of same by M. Dempsey all to lines of H. Booth land, which is part of the tract) including Three Hundred and seventy-five acres, more or less."

Also one tract of mineral including Twenty-five acres:

"BEGINNING on the Baker fork of Big Elk Creek on Jane Wiles line; thence up the creek with J. B. Dempsey's line and also with J. Wiles' line on opposite side, same distance so as to draw a straight line across and include 25 acres."

And being the same land described in a deed from Mark Dempsey, et ux., to Lewis Dempsey and bearing date July 5th, 1889, and



recorded in Deed Book 5, page 110, Martin County Court Clerk's Office.

#### TRACT NO. 10

All the mineral and 1/5 undivided interest in the surface, in a tract of land described in a deed from Samuel Wright to Mark Dempsey dated the 10th day of June, 1852, and recorded in Deed Book "C" page 294, then Logan County Court Clerk's Office, now Mingo County Court Clerk's Office, West Virginia.

#### TRACT NO. 11

The mineral in a deed from Henry P. Clark to Mark Dempsey dated the 25th day of September, 1877, and recorded in Deed Book "G", page 124, then Logan County Court Clerk's Office, now Mingo County Court Clerk's Office, West Virginia. Also a 1/5 undivided interest in the surface of same.

#### TRACT NO. 12

Also the minerals described in a deed from R. T. Burns, Commissioner, to Mark Dempsey, bearing date the 15th day of September, 1878, and recorded in Commissioner's Deed Book "1" page 14, Martin County Court Clerk's Office.

#### TRACT NO. 13

The mineral described in a deed from William Muncy to Mark Dempsey bearing date the 10th day of November, 1868, and recorded in Deed Book No. 1, page 301, Martin County Court Clerk's Office.

#### TRACT NO. 14

The mineral in a deed from G. R. C. Floyd to Mark Dempsey bearing date May 8th, 1878, and recorded in Deed Book 1, page 537, Martin County Court Clerk's Office.

#### TRACT NO. 15

Also the mineral in a deed from Samuel Aldridge by Sheriff to Mark Dempsey bearing date the 15th day of October 1858, and recorded in Deed Book "E", page 506, Lawrence County Court Clerk's Office.

#### TRACT NO. 16

Also the minerals in a deed from Moses Parsley to Mark Dempsey bearing date the 20th day of August, 1874, and recorded in Deed Book 1, page 268, and in Deed Book "E", page 190, Martin County Court Clerk's Office.

#### TRACT NO. 17

Also the mineral in a deed from William Chaffin to Mark Dempsey dated the 5th day of August, 1868, and recorded in Deed Book 1, page 280, Martin County Court Clerk's Office.



## TRACT NO. 18

The mineral in the deed from William Chaffin to Mark Dempsey bearing date the 19th day of March, 1858, and recorded in Deed Book "H", page 51, Lawrence County Court Clerk's Office.

## TRACT NO. 19

Also the mineral in a tract of land from the Commonwealth of Kentucky to Mark Dempsey bearing date 6th day of November, 1876, and recorded in Deed Book 95, page 490, Auditor's Office, Frankfort, Kentucky.

## TRACT NO. 20

Also the mineral in a patent from the Commonwealth of Kentucky to Mark Dempsey bearing date the 5th day of August, 1859, recorded in Deed Book 55, page 235, Auditor's Office, Frankfort, Kentucky.

## TRACT NO. 21

Also the mineral in a deed from John Stepp to Mark Dempsey, a deed dated August 20th, 1874, and recorded in Deed Book 1, page 26, Martin County Court Clerk's Office.

## TRACT NO. 22

Also the mineral in a tract of land conveyed by John Stepp to Mark Dempsey the 20th day of August, 1874, and recorded in Deed Book 1, page 26, Martin County Court Clerk's Office.

## TRACT NO. 23

Also the mineral in a deed from John Stepp to Lewis Dempsey, deed dated October 3rd, 1898, and recorded in Deed Book 7, page 450, Martin County Court Clerk's Office.

## TRACT NO. 24

Also the mineral under any land owned by Mark Dempsey in the James Madison survey of 1106 acres located on Tug River adjoining what is known as the William Ratcliff heir's land and the Samuel Hansley's heirs land containing 200 acres, more or less.

## TRACT NO. 25

Also the minerals embraced in a deed from Otto Burger, and others, to Lewis Dempsey, etc., bearing date May 31, 1906, and recorded in Deed Book "B", page 180, Martin County Court Clerk's Office.

## TRACT NO. 26

Also any mineral that was owned by Mark Dempsey in the patent of Two hundred (200) acres, which was issued to Shadric Williamson, pursuant to survey, bearing date of April 26th, 1855.

## TRACT NO. 27

Also the minerals in any part of a patent issued by Commonwealth of Kentucky to David James on the 28th day of November 1862, and recorded in Deed Book 63, page 306, Auditor's Office, Frankfort, Kentucky.



TRACT NO. 28

Also the mineral in any part of the Ann Dempsey part that is not included within the One thousand (1000) acre patent which issued to Mark Dempsey on the 22nd day of June, 1858, and recorded in Deed Book 52, page 185, Auditor's Office, Frankfort, Kentucky.

In the event the land described in that certain deed of Partition between Mark Dempsey and T. J. Stepp of date February 21st, 1889, and recorded in Deed Book 5, at page 466, Martin County records and containing thirty-nine (39) acres more or less is not within the bounds of the One thousand (1000) acre patent from the Commonwealth of Kentucky to Mark Dempsey, then that portion of said tract not covered by said patent is not conveyed herein and the question of title to this thirty-nine (39) acre tract is reserved for further settlement.

It is further understood and agreed that the antecedent Trustee and his successors have executed certain oil and gas leases on the herein described properties and the party of the first part now assigns, transfers, and sets over to the party of the second part a one-fifth (1/5) undivided interest in all of the rentals and royalties due or that may hereinafter become due by reason of said leases and the lessees now holding and owing said leases or that may hereinafter own or hold said leases is ordered and directed to pay a one-fifth (1/5) interest in the rentals and royalties arising therefrom to the Grantee, Richard M. Young, trustee.

The Grantor also conveys any minerals in any other tract or tracts of land that was owned by Mark Dempsey at the time of his death whether it was specifically set out here or not, either being in the County of Martin and in the State of Kentucky, or in the County of Mingo and in the State of West Virginia.

This deed is executed in compliance with the settlement of the Trust Estate of Mark Dempsey, deceased,

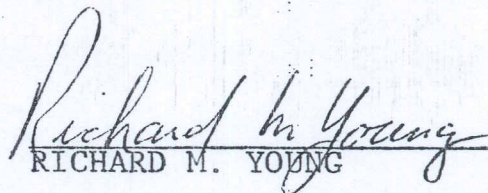


The title to said land having been conveyed by deed to Lewis Dempsey and John Dempsey in Trust for his heirs by a deed date June 12th, 1889, and recorded in Deed Book 7, page 150, Martin County Court Clerk's Office, and the Trust Agreement entered into between Mark Dempsey, Lewis Dempsey and John Dempsey having been executed on June 10th, 1889, and recorded in Deed Book 6, page 621, Martin County Court Clerk's Office, and John Dempsey having conveyed to Lewis Dempsey his interest in said property by a deed dated May 12th, 1895, and recorded in Deed Book 7, page 200, Martin County Court Clerk's Office.

That this is all of the same property having been inherited by Richard M. Young of Inez, Kentucky, from the estate of Clyde Cassady, after the death of Clyde Cassady on April 10, 1982, the same property being devised by will probated in Martin Circuit Court on the 26 day of April, 1982, and thereby having full and complete title to convey same.

To Have and to Hold the above-described property together with all appurtenances thereunto pertaining unto the Second Pary, his heirs and assigns forever.

IN WITNESS WHEREOF, the FIRST PARTY has hereunto set his hand this the 30 day of November, 1982.

  
RICHARD M. YOUNG

STATE OF KENTUCKY)  
COUNTY OF MARTIN )

Acknowledge before me, a Notary Public, by Richard M. Young, this 30 day of November, 1982.

My Commission expires: June 7, 1983

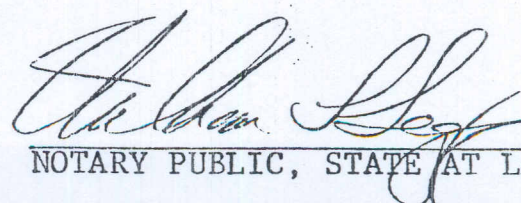
STATE OF KENTUCKY, COUNTY OF MARTIN, SCT.

I, Sam Moore, Clerk of the County and State aforesaid, do certify that on the 16 day of Dec 1982 the foregoing Deed was lodged in my office for record, and that I have truly recorded it, together with this and the foregoing certificates, thereon endorsed.

Witness my hand this the 26 day of Dec 1982

Sam Moore, Martin County Clerk

By Nancy J. Jance D.C.

  
NOTARY PUBLIC, STATE AT LARGE